



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5140

Introduced 2/8/2012, by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Changes the definition of "automotive parts recycler" to mean a person who is in the business of acquiring previously owned vehicles and vehicle parts for the primary purpose of disposing of an entire vehicle or parts of vehicles (instead of only parts of vehicles) in a manner other than that described in the definition of a "scrap processor" in the Code. Modifies the definitions of "remittance agent" and "remitter" to include persons who give and receive money for the payment of registration plates, vehicle certificates of title, taxes, or registration fees (rather than the payment of vehicle taxes, license or registration fees). Provides that an application for a salvage certificate shall be submitted to the Secretary of State when any licensed rebuilder, repairer, new or used vehicle dealer, or remittance agent has applied for title to a vehicle that he or she knows or should have known to have sustained damages in excess of 33 1/3% of the vehicle's fair market value. Provides that an application for a remittance agent license must be accompanied by other information the Secretary may require and by a statement that the applicant has not committed in the past 3 years any violation as determined in any civil, criminal, or administrative proceedings under the Retailers' Occupation Tax Act or under portions of the Illinois Vehicle Code concerning title and registration requirements. Modifies language concerning the purpose of an Article concerning remittance agents and in Sections concerning the denial, suspension, and revocation of remittance agent licenses. Removes language from a Section concerning the application of the Article concerning remittance agents, a Section concerning the licensing of remittance agents, and a Section concerning hearings and subpoenas. Effective immediately.

LRB097 19020 HEP 65503 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 1-105.3, 1-171.01a, 1-171.01c, 3-117.1, 3-901, 3-902,  
6 3-903, 3-904, 3-906, 3-907, 3-913, and 5-301 as follows:

7 (625 ILCS 5/1-105.3)

8 Sec. 1-105.3. Automotive parts recycler. A person who is in  
9 the business of acquiring previously owned vehicles and vehicle  
10 parts for the primary purpose of disposing of parts of vehicles  
11 in a manner other than that described in the definition of a  
12 "scrap processor" in this Code or disposing of previously owned  
13 vehicles in the manner described in the definition of a "scrap  
14 processor" in this Code.

15 (Source: P.A. 90-89, eff. 1-1-98.)

16 (625 ILCS 5/1-171.01a)

17 Sec. 1-171.01a. Remittance agent. For the purposes of  
18 Article IX of Chapter 3, the term "remittance agent" means any  
19 person who, for a fee or compensation for services rendered,  
20 holds himself or herself out to the public as being engaged in  
21 or who engages in accepting money for remittance to the State  
22 of Illinois or any of its instrumentalities or political

1 subdivisions, or to any of their officials, for the payment of  
2 registration plates, vehicle certificates of title, taxes,  
3 ~~vehicle taxes or vehicle license~~ or registration fees  
4 regardless of when the money is accepted from the public or  
5 remitted to the State, whether or not the person renders any  
6 other service in connection with the making of any such  
7 remittance or is engaged in any other endeavor. The term  
8 "remittance agent" does not include any licensed dealer in  
9 motor vehicles who accepts money for remittance to the State of  
10 Illinois for the payment of registration plates, vehicle  
11 certificates of title, taxes, ~~vehicle taxes or vehicle licenses~~  
12 or registration fees as an incident to his or her business as a  
13 motor vehicle dealer.

14 (Source: P.A. 90-89, eff. 1-1-98.)

15 (625 ILCS 5/1-171.01c)

16 Sec. 1-171.01c. Remitter. Any person who gives money to a  
17 remittance agent to submit to the State of Illinois and its  
18 licensing and taxing agencies for the payment of registration  
19 plates, vehicle certificates of title, taxes, or ~~vehicle taxes~~  
20 ~~or vehicle license and~~ registration fees.

21 (Source: P.A. 90-89, eff. 1-1-98.)

22 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

23 Sec. 3-117.1. When junking certificates or salvage  
24 certificates must be obtained.

1           (a) Except as provided in Chapter 4 of this Code, a person  
2 who possesses a junk vehicle shall within 15 days cause the  
3 certificate of title, salvage certificate, certificate of  
4 purchase, or a similarly acceptable out of state document of  
5 ownership to be surrendered to the Secretary of State along  
6 with an application for a junking certificate, except as  
7 provided in Section 3-117.2, whereupon the Secretary of State  
8 shall issue to such a person a junking certificate, which shall  
9 authorize the holder thereof to possess, transport, or, by an  
10 endorsement, transfer ownership in such junked vehicle, and a  
11 certificate of title shall not again be issued for such  
12 vehicle.

13           A licensee who possesses a junk vehicle and a Certificate  
14 of Title, Salvage Certificate, Certificate of Purchase, or a  
15 similarly acceptable out-of-state document of ownership for  
16 such junk vehicle, may transport the junk vehicle to another  
17 licensee prior to applying for or obtaining a junking  
18 certificate, by executing a uniform invoice. The licensee  
19 transferor shall furnish a copy of the uniform invoice to the  
20 licensee transferee at the time of transfer. In any case, the  
21 licensee transferor shall apply for a junking certificate in  
22 conformance with Section 3-117.1 of this Chapter. The following  
23 information shall be contained on a uniform invoice:

24           (1) The business name, address and dealer license  
25           number of the person disposing of the vehicle, junk vehicle  
26           or vehicle cowl;

1           (2) The name and address of the person acquiring the  
2           vehicle, junk vehicle or vehicle cowl, and if that person  
3           is a dealer, the Illinois or out-of-state dealer license  
4           number of that dealer;

5           (3) The date of the disposition of the vehicle, junk  
6           vehicle or vehicle cowl;

7           (4) The year, make, model, color and description of  
8           each vehicle, junk vehicle or vehicle cowl disposed of by  
9           such person;

10          (5) The manufacturer's vehicle identification number,  
11          Secretary of State identification number or Illinois  
12          Department of State Police number, for each vehicle, junk  
13          vehicle or vehicle cowl part disposed of by such person;

14          (6) The printed name and legible signature of the  
15          person or agent disposing of the vehicle, junk vehicle or  
16          vehicle cowl; and

17          (7) The printed name and legible signature of the  
18          person accepting delivery of the vehicle, junk vehicle or  
19          vehicle cowl.

20          The Secretary of State may certify a junking manifest in a  
21          form prescribed by the Secretary of State that reflects those  
22          vehicles for which junking certificates have been applied or  
23          issued. A junking manifest may be issued to any person and it  
24          shall constitute evidence of ownership for the vehicle listed  
25          upon it. A junking manifest may be transferred only to a person  
26          licensed under Section 5-301 of this Code as a scrap processor.

1 A junking manifest will allow the transportation of those  
2 vehicles to a scrap processor prior to receiving the junk  
3 certificate from the Secretary of State.

4 (b) An application for a salvage certificate shall be  
5 submitted to the Secretary of State in any of the following  
6 situations:

7 (1) When an insurance company makes a payment of  
8 damages on a total loss claim for a vehicle, the insurance  
9 company shall be deemed to be the owner of such vehicle and  
10 the vehicle shall be considered to be salvage except that  
11 ownership of (i) a vehicle that has incurred only hail  
12 damage that does not affect the operational safety of the  
13 vehicle or (ii) any vehicle 9 model years of age or older  
14 may, by agreement between the registered owner and the  
15 insurance company, be retained by the registered owner of  
16 such vehicle. The insurance company shall promptly deliver  
17 or mail within 20 days the certificate of title along with  
18 proper application and fee to the Secretary of State, and a  
19 salvage certificate shall be issued in the name of the  
20 insurance company. Notwithstanding the foregoing, an  
21 insurer making payment of damages on a total loss claim for  
22 the theft of a vehicle shall not be required to apply for a  
23 salvage certificate unless the vehicle is recovered and has  
24 incurred damage that initially would have caused the  
25 vehicle to be declared a total loss by the insurer.

26 (1.1) When a vehicle of a self-insured company is to be

1 sold in the State of Illinois and has sustained damaged by  
2 collision, fire, theft, rust corrosion, or other means so  
3 that the self-insured company determines the vehicle to be  
4 a total loss, or if the cost of repairing the damage,  
5 including labor, would be greater than 33 1/3% ~~50%~~ of its  
6 fair market value without that damage, the vehicle shall be  
7 considered salvage. The self-insured company shall  
8 promptly deliver the certificate of title along with proper  
9 application and fee to the Secretary of State, and a  
10 salvage certificate shall be issued in the name of the  
11 self-insured company. A self-insured company making  
12 payment of damages on a total loss claim for the theft of a  
13 vehicle may exchange the salvage certificate for a  
14 certificate of title if the vehicle is recovered without  
15 damage. In such a situation, the self-insured shall fill  
16 out and sign a form prescribed by the Secretary of State  
17 which contains an affirmation under penalty of perjury that  
18 the vehicle was recovered without damage and the Secretary  
19 of State may, by rule, require photographs to be submitted.

20 (2) When a vehicle the ownership of which has been  
21 transferred to any person through a certificate of purchase  
22 from acquisition of the vehicle at an auction, other  
23 dispositions as set forth in Sections 4-208 and 4-209 of  
24 this Code, a lien arising under Section 18a-501 of this  
25 Code, or a public sale under the Abandoned Mobile Home Act  
26 shall be deemed salvage or junk at the option of the

1 purchaser. The person acquiring such vehicle in such manner  
2 shall promptly deliver or mail, within 20 days after the  
3 acquisition of the vehicle, the certificate of purchase,  
4 the proper application and fee, and, if the vehicle is an  
5 abandoned mobile home under the Abandoned Mobile Home Act,  
6 a certification from a local law enforcement agency that  
7 the vehicle was purchased or acquired at a public sale  
8 under the Abandoned Mobile Home Act to the Secretary of  
9 State and a salvage certificate or junking certificate  
10 shall be issued in the name of that person. The salvage  
11 certificate or junking certificate issued by the Secretary  
12 of State under this Section shall be free of any lien that  
13 existed against the vehicle prior to the time the vehicle  
14 was acquired by the applicant under this Code.

15 (3) A vehicle which has been repossessed by a  
16 lienholder shall be considered to be salvage only when the  
17 repossessed vehicle, on the date of repossession by the  
18 lienholder, has sustained damage by collision, fire,  
19 theft, rust corrosion, or other means so that the cost of  
20 repairing such damage, including labor, would be greater  
21 than 33 1/3% of its fair market value without such damage.  
22 If the lienholder determines that such vehicle is damaged  
23 in excess of 33 1/3% of such fair market value, the  
24 lienholder shall, before sale, transfer or assignment of  
25 the vehicle, make application for a salvage certificate,  
26 and shall submit with such application the proper fee and

1 evidence of possession. If the facts required to be shown  
2 in subsection (f) of Section 3-114 are satisfied, the  
3 Secretary of State shall issue a salvage certificate in the  
4 name of the lienholder making the application. In any case  
5 wherein the vehicle repossessed is not damaged in excess of  
6 33 1/3% of its fair market value, the lienholder shall  
7 comply with the requirements of subsections (f), (f-5), and  
8 (f-10) of Section 3-114, except that the affidavit of  
9 repossession made by or on behalf of the lienholder shall  
10 also contain an affirmation under penalty of perjury that  
11 the vehicle on the date of sale is not damaged in excess of  
12 33 1/3% of its fair market value. If the facts required to  
13 be shown in subsection (f) of Section 3-114 are satisfied,  
14 the Secretary of State shall issue a certificate of title  
15 as set forth in Section 3-116 of this Code. The Secretary  
16 of State may by rule or regulation require photographs to  
17 be submitted.

18 (4) A vehicle which is a part of a fleet of more than 5  
19 commercial vehicles registered in this State or any other  
20 state or registered proportionately among several states  
21 shall be considered to be salvage when such vehicle has  
22 sustained damage by collision, fire, theft, rust,  
23 corrosion or similar means so that the cost of repairing  
24 such damage, including labor, would be greater than 33 1/3%  
25 of the fair market value of the vehicle without such  
26 damage. If the owner of a fleet vehicle desires to sell,

1 transfer, or assign his interest in such vehicle to a  
2 person within this State other than an insurance company  
3 licensed to do business within this State, and the owner  
4 determines that such vehicle, at the time of the proposed  
5 sale, transfer or assignment is damaged in excess of 33  
6 1/3% of its fair market value, the owner shall, before such  
7 sale, transfer or assignment, make application for a  
8 salvage certificate. The application shall contain with it  
9 evidence of possession of the vehicle. If the fleet vehicle  
10 at the time of its sale, transfer, or assignment is not  
11 damaged in excess of 33 1/3% of its fair market value, the  
12 owner shall so state in a written affirmation on a form  
13 prescribed by the Secretary of State by rule or regulation.  
14 The Secretary of State may by rule or regulation require  
15 photographs to be submitted. Upon sale, transfer or  
16 assignment of the fleet vehicle the owner shall mail the  
17 affirmation to the Secretary of State.

18 (5) A vehicle that has been submerged in water to the  
19 point that rising water has reached over the door sill and  
20 has entered the passenger or trunk compartment is a "flood  
21 vehicle". A flood vehicle shall be considered to be salvage  
22 only if the vehicle has sustained damage so that the cost  
23 of repairing the damage, including labor, would be greater  
24 than 33 1/3% of the fair market value of the vehicle  
25 without that damage. The salvage certificate issued under  
26 this Section shall indicate the word "flood", and the word

1 "flood" shall be conspicuously entered on subsequent  
2 titles for the vehicle. A person who possesses or acquires  
3 a flood vehicle that is not damaged in excess of 33 1/3% of  
4 its fair market value shall make application for title in  
5 accordance with Section 3-116 of this Code, designating the  
6 vehicle as "flood" in a manner prescribed by the Secretary  
7 of State. The certificate of title issued shall indicate  
8 the word "flood", and the word "flood" shall be  
9 conspicuously entered on subsequent titles for the  
10 vehicle.

11 (6) When any licensed rebuilder, repairer, new or used  
12 vehicle dealer, or remittance agent has submitted an  
13 application for title to a vehicle that he or she knows or  
14 reasonably should have known to have sustained damages in  
15 excess of 33 1/3% of the vehicle's fair market value  
16 without that damage; provided, however, that any  
17 application for a salvage certificate for a vehicle  
18 recovered from theft and acquired from an insurance company  
19 shall be made as required by paragraph (1) of this  
20 subsection (b).

21 (c) Any person who without authority acquires, sells,  
22 exchanges, gives away, transfers or destroys or offers to  
23 acquire, sell, exchange, give away, transfer or destroy the  
24 certificate of title to any vehicle which is a junk or salvage  
25 vehicle shall be guilty of a Class 3 felony.

26 (d) Any person who knowingly fails to surrender to the

1 Secretary of State a certificate of title, salvage certificate,  
2 certificate of purchase or a similarly acceptable out-of-state  
3 document of ownership as required under the provisions of this  
4 Section is guilty of a Class A misdemeanor for a first offense  
5 and a Class 4 felony for a subsequent offense; except that a  
6 person licensed under this Code who violates paragraph (5) of  
7 subsection (b) of this Section is guilty of a business offense  
8 and shall be fined not less than \$1,000 nor more than \$5,000  
9 for a first offense and is guilty of a Class 4 felony for a  
10 second or subsequent violation.

11 (e) Any vehicle which is salvage or junk may not be driven  
12 or operated on roads and highways within this State. A  
13 violation of this subsection is a Class A misdemeanor. A  
14 salvage vehicle displaying valid special plates issued under  
15 Section 3-601(b) of this Code, which is being driven to or from  
16 an inspection conducted under Section 3-308 of this Code, is  
17 exempt from the provisions of this subsection. A salvage  
18 vehicle for which a short term permit has been issued under  
19 Section 3-307 of this Code is exempt from the provisions of  
20 this subsection for the duration of the permit.

21 (Source: P.A. 95-495, eff. 1-1-08; 95-783, eff. 1-1-09.)

22 (625 ILCS 5/3-901) (from Ch. 95 1/2, par. 3-901)

23 Sec. 3-901. Purpose of Article.

24 Many persons throughout the State hold themselves out to  
25 the public as being engaged in, and have engaged in, accepting

1 money from members of the public for remittance to the State of  
2 Illinois, and its licensing and taxing agencies in payment of  
3 registration plates, vehicle certificates of title, taxes,  
4 ~~vehicle taxes or vehicle license~~ or registration fees. Some of  
5 these persons have failed to make such remittance with the  
6 consequent loss to the remitters. It is the public policy of  
7 this State that its people be protected against such hazards.

8 (Source: P.A. 76-1705.)

9 (625 ILCS 5/3-902) (from Ch. 95 1/2, par. 3-902)

10 Sec. 3-902. Application of Article.

11 This Article shall not apply to ~~(1) any person who accepts~~  
12 ~~for remittance only such sums as he is authorized to collect by~~  
13 ~~the remittee as its agent, and (2) to any person who, in~~  
14 connection with the issuance of a license to him to conduct a  
15 business in this State other than a remitter's license, shall  
16 have filed, pursuant to a statutory requirement, a surety bond  
17 covering the proper discharge of any liability incurred by him  
18 in connection with the acceptance for remittance of money for  
19 the purposes designated in the Article pursuant to which he or  
20 she is licensed; ~~provided he does not accept any money for~~  
21 ~~remittance, as a remittance agent, the proper transmittal of~~  
22 ~~which is not covered by said bond.~~

23 (Source: P.A. 76-1705.)

24 (625 ILCS 5/3-903) (from Ch. 95 1/2, par. 3-903)

1           Sec. 3-903. License.

2           It shall be unlawful for any person, ~~either as principal or~~  
3 ~~agent,~~ to act as a "remittance agent" in the State of Illinois  
4 without first having obtained or renewed, ~~as the case may be,~~ a  
5 license and posted a bond, as hereafter provided.

6           (Source: P.A. 76-1705.)

7           (625 ILCS 5/3-904) (from Ch. 95 1/2, par. 3-904)

8           Sec. 3-904. Application - Contents - Affidavits. Any person  
9 who desires to act as a "remittance agent" shall first file  
10 with the Secretary of State a written application for a  
11 license. The application shall be under oath and shall contain  
12 the following:

13           1. The name and address of the applicant.

14           2. The address of each location at which the applicant  
15 intends to act as a remittance agent.

16           3. The applicant's business, occupation or profession.

17           4. A statement disclosing whether he has been involved in  
18 any civil or criminal litigation and if so, the material facts  
19 pertaining thereto.

20           5. A statement that the applicant has not committed in the  
21 past 3 years any violation as determined in any civil,  
22 criminal, or administrative proceedings under the Retailers'  
23 Occupation Tax Act or under Article I or VII of Chapter 3 of  
24 this Code.

25           6. Any other information concerning the business of the

1 applicant that the Secretary of State may prescribe.

2       The application shall be accompanied by the affidavits of  
3 two persons residing in the city or town of such applicant's  
4 residence. Such affiants shall state that they have known the  
5 applicant for a period of at least two years; that the  
6 applicant is of good moral character and that his reputation  
7 for honesty and business integrity in the community in which he  
8 resides is good. If the applicant is not an individual, the  
9 requirements of this paragraph shall apply to each of its  
10 officers or members.

11 (Source: P.A. 83-387.)

12       (625 ILCS 5/3-906) (from Ch. 95 1/2, par. 3-906)

13       Sec. 3-906. Denial.

14       The Secretary of State shall deny any application under  
15 this Article upon any of the following grounds:

16       (1) That the application contains any false or fraudulent  
17 statement; or

18       (2) That the applicant has failed to furnish the  
19 information required by the Secretary or to file a bond as  
20 required; or

21       (3) That the required fee has not been paid; or

22       (4) That the applicant has failed to remit fees to the  
23 Secretary of State or the Department of Revenue; or

24       (5) That the applicant has engaged in fraudulent practices;  
25 or

1           (6) That the applicant or a member of his immediate family  
2 is an employee of the Secretary of State; or

3           (7) That the Secretary of State is authorized under any  
4 other provision of law.

5           If the Secretary of State denies the application for a  
6 license, or renewal thereof, ~~or revokes a license,~~ he shall so  
7 order in writing and notify the applicant thereof by certified  
8 mail. Upon the denial of an application for a license, or  
9 renewal thereof, he shall return the license fee. An applicant  
10 may contest the denial of an application for a license or  
11 renewal thereof by requesting an administrative hearing  
12 pursuant to Section 2-118 of this Code ~~No application shall be~~  
13 ~~denied unless the applicant has had an opportunity for a fair~~  
14 ~~hearing in connection therewith.~~

15           (Source: P.A. 77-84.)

16           (625 ILCS 5/3-907) (from Ch. 95 1/2, par. 3-907)

17           Sec. 3-907. Suspension or revocation.

18           Such license may be suspended or revoked by the Secretary  
19 of State for the violation of any provision of this Act or any  
20 rule or regulation of the Secretary of State and for any reason  
21 which, had it existed or been known to the Secretary of State  
22 at the time of the filing of the application for such license,  
23 would have been good cause for the denial of such application.  
24 The Secretary of State shall order such license suspended or  
25 revoked in writing and shall notify the licensee of the order

1 by certified mail. A licensee may, upon receipt of an order of  
2 suspension or revocation seek a hearing to review such order  
3 pursuant to Section 2-118 of this Code.

4 (Source: P.A. 77-84.)

5 (625 ILCS 5/3-913) (from Ch. 95 1/2, par. 3-913)

6 Sec. 3-913. Hearings ~~Hearing~~ ~~Subpoenas~~. Hearings under  
7 this Article shall be governed by Section 2-118 of this Act and  
8 the Administrative Review Law as amended, shall apply to and  
9 govern all proceedings for judicial review of any final order  
10 issued by the Secretary of State. ~~For the purposes of this Act,~~  
11 ~~the Secretary of State, or the hearing officer as hereinafter~~  
12 ~~provided, has power to require by subpoena the attendance and~~  
13 ~~testimony of witnesses, and the production of all documentary~~  
14 ~~evidence relating to any matter under hearing pursuant to this~~  
15 ~~Act, and shall issue such subpoenas at the request of an~~  
16 ~~interested party. The hearing officer may sign subpoenas in the~~  
17 ~~name of the Secretary of State.~~

18 ~~The Secretary of State may, in his discretion, direct that~~  
19 ~~any hearing pursuant to this Act, shall be held before a~~  
20 ~~competent and qualified agent of the Secretary of State, whom~~  
21 ~~the Secretary of State shall designate as the hearing officer~~  
22 ~~in such matter. The Secretary of State and the hearing officer~~  
23 ~~are hereby empowered to, and shall, administer oaths and~~  
24 ~~affirmations to all witnesses appearing before them. The~~  
25 ~~hearing officer, upon the conclusion of the hearing before him,~~

1 ~~shall certify the evidence to the Secretary of State, and may~~  
2 ~~make recommendations in connection therewith.~~

3 ~~Any Circuit Court of this State, within the jurisdiction of~~  
4 ~~which such hearing is carried on, may, in case of contumacy, or~~  
5 ~~refusal of a witness to obey a subpoena, issue an order~~  
6 ~~requiring such witness to appear before the Secretary of State,~~  
7 ~~or the hearing officer, or to produce documentary evidence, or~~  
8 ~~to give testimony touching the matter in question, and any~~  
9 ~~failure to obey such order of the court may be punished by such~~  
10 ~~court as a contempt thereof.~~

11 (Source: P.A. 82-783.)

12 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

13 Sec. 5-301. Automotive parts recyclers, scrap processors,  
14 repairers and rebuilders must be licensed.

15 (a) No person in this State shall, except as an incident to  
16 the servicing of vehicles, carry on or conduct the business of  
17 a automotive parts recyclers, a scrap processor, a repairer, or  
18 a rebuilder, unless licensed to do so in writing by the  
19 Secretary of State under this Section. No person shall rebuild  
20 a salvage vehicle unless such person is licensed as a rebuilder  
21 by the Secretary of State under this Section. No person shall  
22 engage in the business of acquiring previously owned vehicles  
23 for the primary purpose of disposing of those vehicles in the  
24 manner described in the definition of a "scrap processor" in  
25 this Code, nor shall any person acquire 5 or more vehicles in

1 one calendar year for such primary purpose, unless such person  
2 is licensed as an automotive parts recycler by the Secretary of  
3 State under this Section. Each license shall be applied for and  
4 issued separately, except that a license issued to a new  
5 vehicle dealer under Section 5-101 of this Code shall also be  
6 deemed to be a repairer license.

7 (b) Any application filed with the Secretary of State,  
8 shall be duly verified by oath, in such form as the Secretary  
9 of State may by rule or regulation prescribe and shall contain:

10 1. The name and type of business organization of the  
11 applicant and his principal or additional places of  
12 business, if any, in this State.

13 2. The kind or kinds of business enumerated in  
14 subsection (a) of this Section to be conducted at each  
15 location.

16 3. If the applicant is a corporation, a list of its  
17 officers, directors, and shareholders having a ten percent  
18 or greater ownership interest in the corporation, setting  
19 forth the residence address of each; if the applicant is a  
20 sole proprietorship, a partnership, an unincorporated  
21 association, a trust, or any similar form of business  
22 organization, the names and residence address of the  
23 proprietor or of each partner, member, officer, director,  
24 trustee or manager.

25 4. A statement that the applicant's officers,  
26 directors, shareholders having a ten percent or greater

1 ownership interest therein, proprietor, partner, member,  
2 officer, director, trustee, manager, or other principals  
3 in the business have not committed in the past three years  
4 any one violation as determined in any civil or criminal or  
5 administrative proceedings of any one of the following  
6 Acts:

7 (a) The Anti Theft Laws of the Illinois Vehicle  
8 Code;

9 (b) The "Certificate of Title Laws" of the Illinois  
10 Vehicle Code;

11 (c) The "Offenses against Registration and  
12 Certificates of Title Laws" of the Illinois Vehicle  
13 Code;

14 (d) The "Dealers, Transporters, Wreckers and  
15 Rebuilders Laws" of the Illinois Vehicle Code;

16 (e) Section 21-2 of the Criminal Code of 1961,  
17 Criminal Trespass to Vehicles; or

18 (f) The Retailers Occupation Tax Act.

19 5. A statement that the applicant's officers,  
20 directors, shareholders having a ten percent or greater  
21 ownership interest therein, proprietor, partner, member,  
22 officer, director, trustee, manager or other principals in  
23 the business have not committed in any calendar year 3 or  
24 more violations, as determined in any civil or criminal or  
25 administrative proceedings, of any one or more of the  
26 following Acts:

- 1 (a) The Consumer Finance Act;
- 2 (b) The Consumer Installment Loan Act;
- 3 (c) The Retail Installment Sales Act;
- 4 (d) The Motor Vehicle Retail Installment Sales
- 5 Act;
- 6 (e) The Interest Act;
- 7 (f) The Illinois Wage Assignment Act;
- 8 (g) Part 8 of Article XII of the Code of Civil
- 9 Procedure; or
- 10 (h) The Consumer Fraud Act.

11 6. An application for a license shall be accompanied by

12 the following fees: \$50 for applicant's established place

13 of business; \$25 for each additional place of business, if

14 any, to which the application pertains; provided, however,

15 that if such an application is made after June 15 of any

16 year, the license fee shall be \$25 for applicant's

17 established place of business plus \$12.50 for each

18 additional place of business, if any, to which the

19 application pertains. License fees shall be returnable

20 only in the event that such application shall be denied by

21 the Secretary of State.

22 7. A statement that the applicant understands Chapter 1

23 through Chapter 5 of this Code.

24 8. A statement that the applicant shall comply with

25 subsection (e) of this Section.

26 (c) Any change which renders no longer accurate any

1 information contained in any application for a license filed  
2 with the Secretary of State shall be amended within 30 days  
3 after the occurrence of such change on such form as the  
4 Secretary of State may prescribe by rule or regulation,  
5 accompanied by an amendatory fee of \$2.

6 (d) Anything in this chapter to the contrary,  
7 notwithstanding, no person shall be licensed under this Section  
8 unless such person shall maintain an established place of  
9 business as defined in this Chapter.

10 (e) The Secretary of State shall within a reasonable time  
11 after receipt thereof, examine an application submitted to him  
12 under this Section and unless he makes a determination that the  
13 application submitted to him does not conform with the  
14 requirements of this Section or that grounds exist for a denial  
15 of the application, as prescribed in Section 5-501 of this  
16 Chapter, grant the applicant an original license as applied for  
17 in writing for his established place of business and a  
18 supplemental license in writing for each additional place of  
19 business in such form as he may prescribe by rule or regulation  
20 which shall include the following:

21 1. The name of the person licensed;

22 2. If a corporation, the name and address of its  
23 officers or if a sole proprietorship, a partnership, an  
24 unincorporated association or any similar form of business  
25 organization, the name and address of the proprietor or of  
26 each partner, member, officer, director, trustee or

1 manager;

2 3. A designation of the kind or kinds of business  
3 enumerated in subsection (a) of this Section to be  
4 conducted at each location;

5 4. In the case of an original license, the established  
6 place of business of the licensee;

7 5. In the case of a supplemental license, the  
8 established place of business of the licensee and the  
9 additional place of business to which such supplemental  
10 license pertains.

11 (f) The appropriate instrument evidencing the license or a  
12 certified copy thereof, provided by the Secretary of State  
13 shall be kept, posted, conspicuously in the established place  
14 of business of the licensee and in each additional place of  
15 business, if any, maintained by such licensee. The licensee  
16 also shall post conspicuously in the established place of  
17 business and in each additional place of business a notice  
18 which states that such business is required to be licensed by  
19 the Secretary of State under Section 5-301, and which provides  
20 the license number of the business and the license expiration  
21 date. This notice also shall advise the consumer that any  
22 complaints as to the quality of service may be brought to the  
23 attention of the Attorney General. The information required on  
24 this notice also shall be printed conspicuously on all  
25 estimates and receipts for work by the licensee subject to this  
26 Section. The Secretary of State shall prescribe the specific

1 format of this notice.

2 (g) Except as provided in subsection (h) hereof, licenses  
3 granted under this Section shall expire by operation of law on  
4 December 31 of the calendar year for which they are granted  
5 unless sooner revoked or cancelled under the provisions of  
6 Section 5-501 of this Chapter.

7 (h) Any license granted under this Section may be renewed  
8 upon application and payment of the fee required herein as in  
9 the case of an original license, provided, however, that in  
10 case an application for the renewal of an effective license is  
11 made during the month of December, such effective license shall  
12 remain in force until such application is granted or denied by  
13 the Secretary of State.

14 (i) All automotive repairers and rebuilders shall, in  
15 addition to the requirements of subsections (a) through (h) of  
16 this Section, meet the following licensing requirements:

17 1. Provide proof that the property on which first time  
18 applicants plan to do business is in compliance with local  
19 zoning laws and regulations, and a listing of zoning  
20 classification;

21 2. Provide proof that the applicant for a repairer's  
22 license complies with the proper workers' compensation  
23 rate code or classification, and listing the code of  
24 classification for that industry;

25 3. Provide proof that the applicant for a rebuilder's  
26 license complies with the proper workers' compensation

1 rate code or classification for the repair industry or the  
2 auto parts recycling industry and listing the code of  
3 classification;

4 4. Provide proof that the applicant has obtained or  
5 applied for a hazardous waste generator number, and listing  
6 the actual number if available or certificate of exemption;

7 5. Provide proof that applicant has proper liability  
8 insurance, and listing the name of the insurer and the  
9 policy number; and

10 6. Provide proof that the applicant has obtained or  
11 applied for the proper State sales tax classification and  
12 federal identification tax number, and listing the actual  
13 numbers if available.

14 (i-1) All automotive repairers shall provide proof that  
15 they comply with all requirements of the Automotive Collision  
16 Repair Act.

17 (j) All automotive parts recyclers shall, in addition to  
18 the requirements of subsections (a) through (h) of this  
19 Section, meet the following licensing requirements:

20 1. A statement that the applicant purchases 5 vehicles  
21 per year or has 5 hulks or chassis in stock;

22 2. Provide proof that the property on which all first  
23 time applicants will do business does comply to the proper  
24 local zoning laws in existence, and a listing of zoning  
25 classifications;

26 3. Provide proof that applicant complies with the

1 proper workers' compensation rate code or classification,  
2 and listing the code of classification; and

3 4. Provide proof that applicant has obtained or applied  
4 for the proper State sales tax classification and federal  
5 identification tax number, and listing the actual numbers  
6 if available.

7 (Source: P.A. 94-784, eff. 1-1-07.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	625 ILCS 5/1-105.3	
4	625 ILCS 5/1-171.01a	
5	625 ILCS 5/1-171.01c	
6	625 ILCS 5/3-117.1	from Ch. 95 1/2, par. 3-117.1
7	625 ILCS 5/3-901	from Ch. 95 1/2, par. 3-901
8	625 ILCS 5/3-902	from Ch. 95 1/2, par. 3-902
9	625 ILCS 5/3-903	from Ch. 95 1/2, par. 3-903
10	625 ILCS 5/3-904	from Ch. 95 1/2, par. 3-904
11	625 ILCS 5/3-906	from Ch. 95 1/2, par. 3-906
12	625 ILCS 5/3-907	from Ch. 95 1/2, par. 3-907
13	625 ILCS 5/3-913	from Ch. 95 1/2, par. 3-913
14	625 ILCS 5/5-301	from Ch. 95 1/2, par. 5-301